

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,	:	Case No. 3:12-cr-120
	:	
Plaintiff,	:	Judge Thomas M. Rose
	:	
v.	:	
	:	
STEPHEN E. KIRBY, II,	:	
	:	
Defendant.	:	

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**ORDER ADOPTING REPORT AND RECOMMENDATIONS (DOC. 93) AND  
DENYING DEFENDANT’S MOTION FOR DE NOVO REHEARING (DOC. 92)**

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This matter is before the Court on the Motion for De Novo Rehearing (Doc. 92) filed by Defendant Stephen E. Kirby, II (“Kirby”). In the Motion, Kirby argues that he was not given an appropriate amount of time to object to the Magistrate Judge’s Report and Recommendations (Doc. 87) on Kirby’s Motion for Reduction (Doc. 83). The Court adopted that Report and Recommendations—after Kirby received two extensions of his deadline to object but did not do so—and dismissed the Motion for Reduction. (Doc. 91.)

Kirby’s Motion for De Novo Rehearing, as a post-judgment motion, was referred to the Magistrate Judge for a recommended decision under 28 U.S.C. § 636(b)(3). On October 12, 2016, the Magistrate Judge entered a Report and Recommendations (Doc. 93) recommending that the Motion for De Novo Rehearing be denied. Kirby did not file any objections to the Report and Recommendations and the time for him to do so has expired.

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a de novo review of the record in this case. Upon said review, and noting that no objections to the Report and Recommendations have been filed, the Court **ADOPTS** the Report and

Recommendations (Doc. 93) and **DENIES** the Motion for De Novo Rehearing (Doc. 92).

**DONE** and **ORDERED** in Dayton, Ohio, this Tuesday, November 8, 2016.

s/Thomas M. Rose

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE